

### REMARKS

Claims 58 to 63 now are pending in the subject application, the independent claims being Claims 58 and 60. Prior pending Claim 57 has been cancelled and "Claims 57 to 60" newly presented in the prior Amendment have been renumbered as - - Claims 58 to 61. - - Claims 58 to 61 have been amended. Claims 62 and 63 are newly presented.

In the Official Action dated March 14, 2003, Claims 57 and 59 were objected to on formal grounds, and the newly presented claims were renumbered as Claims 58 to 61. Renumbered Claims 58 to 61 were rejected under 35 U.S.C. 102(b), as anticipated by Japanese Publication No. 06-231023 (Saito). Reconsideration and withdrawal of the objection and rejection respectfully are requested in view of the above amendments and the following remarks.

The formal objections to the claims are believed moot in view of the above present formal claim amendments/renumbering of the claims.

Claims 58 to 61 have been amended to improve their form. No new matter has been added, and Applicant submits that the formal amendments do not narrow the scope of the claims.

Newly presented Claims 62 and 63 depend from Claims 58 and 60, and have been added to provide Applicant with an additional scope of protection commensurate with the disclosure. No new matter has been added.

The rejection of the claims over the cited art respectfully is traversed. The present invention relates to a novel recording device and method. In one aspect, as recited in independent Claim 58, the present invention relates to a recording device for

recording at least one of image data and voice data on a detachable recording medium.

The recording device comprises generating means for generating image data or voice data to be recorded, retrieving means for retrieving information pre-recorded in the detachable recording medium for determining a file name, file name determining means for determining a file name by combining a character and a serial number in accordance with the pre-recorded information retrieved from the detachable recording medium, and recording means for recording, on the detachable recording medium, a file including the image data or voice data generated by the generating means using the file name determined by the file name determining means.

Independent Claim 60 recites similar features with respect to a method for recording image data or voice data on a detachable recording medium.

In each aspect, an advantage provided in the structure/method is that information pre-recorded in the detachable recording medium is retrieved, and a file including image data or voice data thereafter is recorded in the detachable recording medium using a file name determined by combining a character and a serial number in accordance with the pre-recorded information retrieved from the detachable recording medium. In this manner, as disclosed in greater detail in the present application, information exclusive to a user may be stored/pre-recorded in each respective, detachable recording medium, and can be changed for each detachable recording media, when plural users share a single operational apparatus (e.g., camera). Thus, each user can easily and reliably manage his/her voice or image files without interference by other users.

Moreover, multiple attribute information for respective multiple users does not have to be

distributed to and stored in multiple storage media or operational apparatuses to provide service for multiple users.

Applicant submits that the prior art fails to anticipate the present invention. Moreover, Applicant submits that there are differences between the subject matter sought to be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

The JP '023 reference relates to an information recorder, and discloses a system and method for determining a file title for storing a data file in a detachable recording medium. However, Applicant submits that the JP '023 reference fails to disclose or suggest at least the above-described features of the present invention. Rather, the JP '023 reference is understood to disclose an operation unit of a digital still camera by which a user may by manual operation input information for determining a file name. Nowhere is the JP '023 reference understood to disclose or suggest at least the features of recording data having a file name determined by information for determining a file name pre-recorded in the detachable recording medium, as disclosed and claimed in the present application.

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Nor is the remaining prior art of record understood to disclose or suggest the above-discussed features relating to file name determining information pre-recorded in a detachable memory or recording media, or to add anything to the JP '023 reference that would make obvious the claimed invention.

For the above reasons, Applicant submits that independent Claims 58 and 60 are allowable over the cited art.

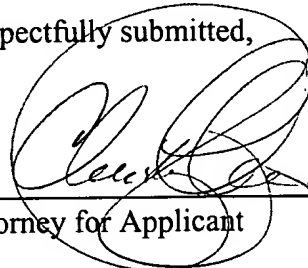
Claims 59 and 61 to 63 depend from Claims 58 and 60, and are believed allowable for the same reasons. Moreover, each of these dependent claims recites additional feature in combination with the features of its respective base claim, and is believed allowable in its own right. Individual consideration of the dependent claims respectfully is requested.

Applicant requests that the present Amendment be entered under 37 CFR § 1.116. Applicant submits that the present amendments merely are minor or formal in nature, and reduce the number of issues for consideration. Applicant believes the present Amendment was necessitated by the outstanding Official Action, and submits that the present amendments were not previously made because Applicant believes the prior claims are allowable.

Applicant believes that the present Amendment is fully responsive to each of the points raised by the Examiner in the Official Action, and submits that the Application is in allowable form. Favorable consideration of the claims and passage to issue of the present application at the Examiner's earliest convenience respectfully are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "Robert L. Harper", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Attorney for Applicant

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### Amendments in a Revised Format Now Permitted

Office of Patent Legal Administration << Pre-OG Notices << << Amendments in a Revised Format Now Permitted

The United States Patent and Trademark Office (USPTO or Office) is permitting applicants to submit amendments in a revised format as set forth herein. The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

The revised amendment format is an expansion of the special amendment process instituted for a prototype Electronic File Wrapper program described in USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"). The special amendment process (which was limited to claims) has proven overwhelmingly acceptable to applicants participating in the prototype and beneficial to examiners. The revised amendment format provides for amendments to be made to the specification and the drawings in addition to the claims.

Effective immediately, all applicants, including applicants participating in the prototype, may submit amendments using the revised amendment format set forth herein. Applicants may wish to submit all amendments in the revised amendment format because: (1) it will facilitate transition to a revised amendment format when it becomes mandatory, (2) inconsistent versions of claim amendments (clean and marked-up) will be avoided, and (3) time and resources will be saved.

#### WAIVER of 37 CFR 1.121

The provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments to the **claims, specification, and drawings** in all applications in all Technology Centers where the amendments comply with the revised amendment format detailed below. Note: The revised amendment format (and the waiver) does not apply to 37 CFR 1.121(h) and (i) which indicate that amendments to reissue applications and reexamination proceedings are governed by 37 CFR 1.173 for reissue applications and 37 CFR 1.530 (d)-(k) for *ex parte* and *inter partes* reexaminations.

In addition, the WAIVER indicated in the above mentioned Prototype Announcement for the limited (claims only) amendment process of that prototype is also expressly continued and amendments in applications (other than reissue applications) in all Technology Centers that comply with the requirements in that announcement will be acceptable.

#### REVISED AMENDMENT FORMAT

##### I. Begin Sections on Separate Sheets:

Each section of an amendment paper (e.g., Amendments to the Specification, Amendments to the Claims, Remarks) shall begin on a separate sheet to facilitate separate indexing and electronic scanning of the document.

For example, each of the following four sections of an amendment paper must start on a separate sheet:

- a.) Introductory Comments

- b.) Amendments to the Specification
- c.) Amendments to the Claims
- d.) Remarks

## **II. Submit Only One Version (with markings) of an Amended Part:**

The requirement to provide two versions of a replacement paragraph, section, or claim (a clean version and a marked up version), as set forth in current 37 CFR 1.121, is waived where the format set forth below is followed.

## **III. Amendments to the Claims**

### **A. A Complete Listing of Claims is Always Required:**

If an amendment adds, changes or deletes any claim, a detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remains under examination in the application, must be presented, and the amendment to the claims is expressed in the listing. The listing shall be presented as follows:

#### **1. Ascending Order and Status Identifier Required**

The listing shall be provided in sequential ascending numerical order (beginning with claim 1). A status identifier shall be provided for every claim in a parenthetical expression following the claim number (e.g., "Claim 1. (original)"). A list of acceptable status identifiers is set forth in part B, below. The text of all claims under examination shall be submitted each time any claim is amended. Cancelled and withdrawn claims should be indicated by only the claim number and status. The text of cancelled or withdrawn claims should not be presented.

#### **2. Markings in Currently Amended Claims Required**

All claims *being currently amended* shall be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). No separate "clean" version should be submitted for currently amended claims, as this requirement has been eliminated. Markings should only be made in claims being currently amended in an amendment paper.

#### **3. Only Clean Text Required for Other Claims Under Examination.**

The text of pending claims *not being currently amended* that are under examination shall be presented in a clean version in the listing. Any claim presented in clean version constitutes an assertion that it has not been changed relative to the immediate prior version.

#### **4. Status to Effect Claim Cancellation or Addition.**

A claim may be cancelled by merely indicating the status of the claim as cancelled. Any new claim added by amendment must be indicated by the appropriate status identifier and shall not be underlined. Thus, added new claims of status (new), (reinstated - formerly claim #\_) and (re-presented - formerly dependent claim #\_) must be presented in clean version. Additional claims may be subject to additional fees, as appropriate.

#### **5. When Grouping of Claims is Permitted.**

Consecutive cancelled or withdrawn claims may be aggregated into one line of the listing (e.g. Claims 1 - 5 (cancelled)).

**6. Use "Currently Amended" Status Where Applicable.**

If any "previously reinstated" or "previously re-presented" claim is being amended, the status shall be indicated as "currently amended" with markings as indicated in paragraph A2, above. Multiple status identifiers should not be used for any single claim.

**B. Status Identifiers that May be Used:**

In order to promote uniformity and consistency, only the following eleven (11) defined status identifiers should be used to indicate the status of the claims (in parentheses after the claim number):

- |  |   |
|--|---|
| 1. (Original):                                     | Claim filed with the application following the specification (i.e., not added by preliminary amendment).    |
| 2. (Currently amended):                            | Claim being amended in the current amendment paper.   |
| 3. (Previously amended):                           | Claim not being currently amended, but which was amended in a previous amendment paper.                     |
| 4. (Cancelled):                                    | Claim cancelled or deleted from the application.  |
| 5. (Withdrawn):                                    | Claim still in the application, but in a non-elected status.  |
| 6. (Previously added):                             | Claim added in an earlier amendment paper.  |
| 7. (New):  | Claim being added in the current amendment paper.   |
| 8. (Reinstated - formerly claim # _):              | Claim deleted in an earlier amendment paper, but re-presented with a new claim number in current amendment. |
| 9. (Previously reinstated):                        | Claim deleted in an earlier amendment and reinstated in an earlier amendment paper.                         |
| 10. (Re-presented - formerly dependent claim # _): | Dependent claim re-presented in independent form in current amendment paper.                                |
| 11. (Previously re-presented):                     | Dependent claim re-presented in independent form in an earlier amendment, but not currently amended.        |

**C. Example of Listing of Claims:**

Claims 1-5 (cancelled)  
 Claim 6 (withdrawn)  
 Claim 7 (previously amended): A bucket with a handle.  
 Claim 8 (currently amended): A bucket with a ~~green~~ blue handle.  
 Claim 9 (withdrawn)  
 Claim 10 (original): A bucket with a wooden handle.  
 Claim 11 (cancelled)



Claim 12 (new): A bucket with plastic sides and bottom.

Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented - formerly claim 11): A black bucket with a wooden handle.

#### IV. Amendments to the Specification

Amendments to the specification are to be made by presenting replacement paragraphs, sections or a substitute specification marked up to show changes made relative to the immediate prior version, as set out in 37 CFR 1.121(b). The changes should be shown by strikethrough (for deleted matter) or underlining (for added matter). No accompanying "clean" version shall be supplied. The amendments to the specification shall be presented only one time, and will not appear in successive amendment documents.

#### V. Amendments to the Drawings

Amendments to the drawing figures shall be made by presenting replacement figures which include the desired changes, without markings, and which comply with § 1.84. The changes shall be explained in the accompanying remarks section of the amendment paper. If the amended drawings are not approved, the applicant will be notified in the next Office action. Any amended drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure number in the amended drawing should not be labeled as "amended."

For further information on the prototype image electronic processing of patent applications, please contact the Search and Information Resources Administration at: [image.processing@uspto.gov](mailto:image.processing@uspto.gov). Any questions regarding the submission of amendments pursuant to the revised practice set forth in this notice should be directed to Elizabeth Dougherty ([Elizabeth.Dougherty@uspto.gov](mailto:Elizabeth.Dougherty@uspto.gov)), Gena Jones ([Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov)) or Joe Narcavage ([Joseph.Narcavage@uspto.gov](mailto:Joseph.Narcavage@uspto.gov)). For information on the waiver or legal aspects of the program, please contact Jay Lucas ([Jay.Lucas@uspto.gov](mailto:Jay.Lucas@uspto.gov)) or Rob Clarke ([Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov)).

Date: 1/31/03

Signed: /s/  
STEVEN KUNIN  
Deputy Commissioner for Patent  
Examination Policy

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*Last Modified: 02/03/2003 10:23:23*